

From: [Alexander Janine](#)
To: [Chandy Danusha](#); [McCurdy Alaina](#)
Cc: [Nguyen Dan-Tam](#); [REDACTED]; [Felicia Holmes](#)
Subject: FW: 11(a)(xiii) – Records of Eligible Project Costs prior to Effective Date
Date: Friday, January 17, 2020 4:48:15 PM
Attachments: [RE Oakwood Davis Bacon Rates.msg](#)
[McLane Blvd. Sewer Rehab Project.msg](#)
[RE San Remo Rehabilitation Davis Bacon Rates.msg](#)
[RE Heavy Construction - TWA MH and Wetwell Seal and Coat Project.msg](#)
[RE Heavy Construction - TWA MH and Wetwell Seal and Coat Project.msg](#)
Importance: High

Attached are responses per our compliance team (and below).

I will get with procurement next and advise further, thanks,
Janine

From: [REDACTED] <[REDACTED]>
Sent: Friday, January 17, 2020 1:45 PM
To: Alexander, Janine <[REDACTED]>
Subject: RE: 11(a)(xiii) – Records of Eligible Project Costs prior to Effective Date

⚠ CAUTION: This email originated from an external sender. Verify the source before opening links or attachments. ⚠

Janine,

I have reviewed the correspondence and questions raised about compliance with the Davis-Bacon requirements. Following is my response –

1. Oakwood Project – Davis-Bacon requirements were covered in the notes in the Drawings beginning on page G-03. I did not receive a copy of the contract documents to determine if the Wage Decision was included in the bidding docs but the Wage Decision FL172 was emailed to the contractor per the attached email copy.
2. McLane Project – Same as Oakwood, the Davis-Bacon requirements were covered in the notes in the Drawings beginning on page G-03. I did not receive a copy of the contract documents to determine if the Wage Decision was included in the bidding docs but the Wage Decision FL172 was emailed to the contractor per the attached email copy.
3. San Remo Project – I do not have the drawings but I assume that the Davis-Bacon requirements were included as with Oakwood and McLane. The appropriate Wage Decision FL129 was emailed to the contractor per the attached email copy.
4. MH and Wet Well Seal Project – The Davis-Bacon requirements were included in the bid docs in Division 00200-3. I emailed you the Wage Decision FL129 per the email above and you forwarded the decision to the contractor as noted in the final email string above.

In response to the bullet items below –

1. Wage rates were obtained for the project localities.
2. Required contract language was included in the bids as noted above. I don't believe that the wage decisions were included in the bid docs but were transmitted to the contractors per the emails above.
3. The wage decisions were current when delivered to the contractors and were current when construction began. No 10-day or 90-day issues.
4. Subcontract requirements are included per page G-04 in the Plans and/or Division 00200-10 of the ITB.

Let me know if there are additional questions and have a good weekend.

Don

From: Alexander, Janine <[REDACTED]>
Sent: Thursday, January 16, 2020 4:40 PM
To: Felicia Holmes <fholmes@tohowater.com>
Cc: [REDACTED]
Subject: FW: 11(a)(xiii) – Records of Eligible Project Costs prior to Effective Date
Importance: High

Hi Felicia/Don:

See below for items that are required for the WIFIA projects. **I provided my answers in yellow but also need feedback please.**

For the procurement process, is TWA doing the items as listed below for the WIFIA project?

Don, for our compliance, I believe you are following the requirements as listed below, correct?

I have responded below to items.

Please provide your feedback here as well for my responses and/or the needed documents.

Ty!

From: Chandy, Danusha <Chandy.Danusha@epa.gov>
Sent: Thursday, January 16, 2020 3:48 PM
To: Alexander, Janine <[REDACTED]>; McCurdy, Alaina <McCurdy.Alaina@epa.gov>
Cc: Oakley, Brian <[REDACTED]>; Mourant, Alex <Mourant.Alex@epa.gov>; Mukushi, Cortney <mukushi.cortney@epa.gov>
Subject: RE: 11(a)(xiii) – Records of Eligible Project Costs prior to Effective Date

⚠ CAUTION: This email originated from an external sender. Verify the source before opening links or attachments. ⚠

Hi Janine,

My comments on this request are noted in the table below.

Can you confirm if the plan moving forward is to use the same WIFIA notes shown in the Oakwood, McLane, and San Remo project plans in all your contracts moving forward to comply with the federal requirements?

Please note the following borrower responsibilities prior to construction for Davis-Bacon:

- Obtain the wage determinations for the locality in which a covered activity subject to Davis-Bacon will take place
- Include wage determination and required contract language in all bids and contracts
- While the bid remains open monitor www.wdol.gov weekly to ensure that the wage determination contained in the bid remains current
- Amend the bid if DOL modifies an applicable wage determination more than 10 days prior to closing of bid
- If DOL modifies an applicable wage determination 10 or less days prior to bid close the prior wage determination may be retained with EPA approval
- If a contract has not been awarded within 90 days of bid close any modified wage determination will be in effect unless EPA grants an extension
- Include contract language requiring prime contractor to include Davis-Bacon requirements in subcontracts
- If a wage determination is missing, request a conformance from EPA by completing SF 1444. Incorporate approved conformance wage determination into construction contract within 180 days of conformance issuance date.

Tetra Tech Project #	Project Name	EPA Comment
200-08466-16009	TWA GRAVITY SEWER & WM R/R	Can you provide a more detailed description. I can't really tell if this is engineering or repair and rehab. If it is repair and rehab, I'll need to see evidence of Federal Compliance >> JMA Response: This effort was for the PDR engineering and planning level effort provided for identifying and performing evaluations and recommendations for the GS system. This document was included with the LOI documents I believe as well.
200-08466-18010	TWA PROJECT MGMT SUPPORT	Previously incurred cost is ok to move forward
200-08466-18011	TWA WIFIA LOI	Previously incurred cost is ok to move forward
200-08466-19001	OAKWOOD GRAVITY SEWER CA	Wage determination not included. Do you have the executed contract available for review with the wage determination? >> Don, will this be in your compliance package?
200-08466-19002	McLANE GRAVITY SEWER CA	Wage determination not included. Do you have the executed contract available for review with the wage determination? >> Don, will this be in your compliance package?
200-08466-19008	TWA WIFIA APPLICATION	Previously incurred cost is ok to move forward
200-08466-19010	WIFIA GS CLEAN, INSP & EVAL	Can you provide the executed contract for federal compliance evaluation >> Felicia, please provide
200-08466-19014	SAN REMO GRAVITY SEWER CA	The Wage Determination included is more than 90 days old from the April 7, 2019 transaction start date. I'm researching whether this is ok or not. Do you have the executed contract available for review? >> Don, provide response please.
200-08466-19024	COLLECTOR ROADS GS R&R-PROJ 1	Previously incurred engineering costs are all that is identified in your current
200-08466-19025	DORADO GS REHAB	

200-08466-20004	LS 56, AUDUBON, EAGLE GS REHAB	request. This is ok to move forward. We haven't confirmed any previously incurred construction cost yet.
200-08466-20008	WIFIA MH & WETWELL SEAL/COAT	
200-08466-20015	TWA MISC PRIORITY GS REHAB PROJ.	

Thanks,
Danusha

Danusha S. Chandy, P.E.
(O) 202-566-2165
(C) 202-281-0714
Chandy.Danusha@epa.gov

-----Original Message-----

From: Alexander, Janine [REDACTED]
Sent: Monday, January 13, 2020 10:25 PM
To: McCurdy, Alaina <McCurdy.Alaina@epa.gov>; Chandy, Danusha <Chandy.Danusha@epa.gov>
Cc: Oakley, Brian <[REDACTED]>; Mourant, Alex <Mourant.Alex@epa.gov>
Subject: 11(a)(xiii) – Records of Eligible Project Costs prior to Effective Date
Importance: High

Hi all:

Per our recent call, attached is our current draft pre-eligible project costs prior to WIFIA funding effective date.

Please advise on feedback for the quarterly reporting and potential modifications that are more applicable to this project tracking.

Thanks,
Janine